

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA (PHILADELPHIA)**

In re:	:	
	:	Case No. 23-12882-amc
MELVIN A. STARCHIA,	:	
	:	Chapter 13
Debtor.	:	
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	:	
PNC BANK, NATIONAL ASSOCIATION,	:	
	:	
Movant,	:	Hearing Date: August 28, 2024, at 10:00 a.m.
	:	
v.	:	Response Deadline: August 15, 2024
	:	
MELVIN A. STARCHIA A/K/A	:	
MELVIN A. STARCHIA, JR.,	:	
	:	
Respondent.	:	
	:	

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

PNC Bank, National Association (“**PNC Bank**”), by and through its counsel, Tucker Arensberg, P.C., files this Motion for Relief from the Automatic Stay, and, in support thereof, states as follows:

1. On September 22, 2023, the Debtor, Melvin A. Starchia a/k/a Melvin A. Starchia, Jr. (the “**Debtor**”), filed his voluntary petition for relief under chapter 13 of title 11 of the United States Code, 11 U.S.C. §§ 101 *et seq.* (as amended, the “**Bankruptcy Code**”) in the United States Bankruptcy Court for the Eastern District of Pennsylvania (the “**Bankruptcy Court**”) at Case No. 23-12882-amc.

2. This matter is a core proceeding and this Bankruptcy Court has jurisdiction pursuant to 28 U.S.C. § 1334.

3. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

4. PNC Bank seeks relief pursuant to 11 U.S.C. § 362(d) and Rules 4001 and 9014 of the Federal Rules of Bankruptcy Procedure.

5. On or about June 6, 2018, the Debtor executed a Choice Home Equity Line of Credit in the original principal amount of \$32,000 (the “**Note**”). A copy of the Note is attached hereto as **Exhibit A**.

6. On or about June 6, 2018, as security for payment of his obligations under the Note, the Debtor made, executed and delivered to PNC Bank an Open-End Mortgage in the original principal amount of \$32,000.00 (the “**Mortgage**”) and secured by the property located at 1137 West Somerset Street, Philadelphia, Pennsylvania 19133 (the “**Property**”). The Mortgage was recorded in the County of Northampton Recorder of Deeds on June 27, 2018, at Document Number 53383001. A copy of the Mortgage is attached hereto as **Exhibit B**.

7. On November 21, 2023, PNC Bank filed a secured proof of claim in the amount of \$32,112.65, at Claim No. 4 on the Claims Register (the “**PNC Claim**”), evidencing the outstanding amount due and owing under the Note and Mortgage.

8. As of the date of this Motion, Debtor is currently in default of his post-petition obligations to PNC Bank, having failed to remit the payments due on March 21, 2024, through July 1, 2024.

9. The total post-petition default amount, as of July 22, 2024, is \$1,392.60. An itemization of the default amount is attached hereto as **Exhibit C**.

10. As of July 22, 2024, the Note is due for the March 21, 2024, payment, and the total payoff amount through August 5, 2024, is \$32,879.70:

Unpaid Principal	\$ 31,469.13
Interest at \$7.33 per diem	\$ 1,410.57
TOTAL REMITTANCE DUE	\$ 32,879.70

11. The Debtor’s First Amended Plan dated December 13, 2023, provides that post-petition payments shall be made directly to PNC Bank by the Debtor. [Doc. No. 15, § 4(a).]

12. As of the date of this Motion, no post-petition payments have been received by PNC Bank.

13. Section 362(d)(1) of the Bankruptcy Code authorizes the Court to grant a party in interest relief from the automatic stay “for cause, including the lack of adequate protection of an interest in property of such party in interest.” 11 U.S.C. § 362(d)(1).

14. PNC Bank is entitled to relief from the automatic stay for cause, including lack of adequate protection, pursuant to 11 U.S.C. § 362(d)(1) with respect to the Property, because the Debtor cannot or

will not provide PNC Bank with adequate protection of its interest in the Property, having failed to remit any post-petition payments to PNC Bank.

15. Further, PNC Bank requests that the time period specified by Fed. R. Bankr. P. 4001 be waived to allow PNC Bank to immediately pursue its rights and remedies with respect to the Property.

WHEREFORE, PNC Bank, National Association respectfully requests that this Honorable Court issue an order granting PNC Bank relief from the automatic stay to pursue its rights and remedies under the Note and Mortgage with respect to the real property at 1137 West Somerset Street, Philadelphia, Pennsylvania 19133, and granting such other and further relief as this Court deems just and proper.

Respectfully submitted,

Dated: July 29, 2024

TUCKER ARENSBERG, P.C.

/s/ Maribeth Thomas

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